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## Temporary labour migration by any other name: differential inclusion under Canada's 'new' international mobility regime

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### ABSTRACT

To appease public anxieties and limit exploitation, in recent years Canada has sought to more strictly regulate and reduce temporary migrant work, while expanding opportunities for international mobility. This article explores the division between mobility and migration in this settler colonial context by charting developments in two overarching Canadian immigration program streams dedicated to facilitating international migration for employment on a temporary basis – the Temporary Foreign Worker Program (TFWP) and the International Mobility Program (IMP) – focusing on the latter. Through an analysis of underexplored IMP subprograms directed at 'national competitiveness,' it probes the extent to which several fast-growing IMP subprograms entail a departure from temporary migrant work under exploitative conditions. Questioning the validity of the migration/mobility distinction assumed in policy discourse, it argues that far from providing for ideal conditions for 'mobile' workers, Inter-Company Transfer, Postgraduation, and Spousal subprograms are characterised by conditions poised to heighten exploitation. Meanwhile, many participants in these subprograms migrate from source countries with a history of subordination through differential inclusion, illustrating how the application of migration control devices is bound-up with residues of formal barriers to entry forged on the basis of nationality and the institutionalised racism that they engendered and threaten to perpetuate.

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### Program; international mobility program; immigration policy; racialisation

In high-income host-states, migrant workers are an important source of labour. And yet the presence of such workers is routinely met by public anxiety, and often xenophobia, especially on part of native-born workers (see for e.g. Marsden, Tucker, and Vosko [forthcoming](#)). In attempt to appease this anxiety, as well as limit exploitation, Canada has sought to more strictly regulate and reduce temporary *migrant* work programs, while expanding opportunities for international *mobility*. This division between mobility and migration, or between economically desirable and economically necessary migration

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(Rajkumar et al. 2012), has a long history in this settler colonial context. And this article explores how the distinction is being reproduced.

Two overarching (im)migration program streams facilitate the employment of international migrants on a temporary basis in Canada today – the Temporary Foreign Worker Program (TFWP) and the International Mobility Program (IMP). Starting around 2014, Canada's federal government actively sought to reduce the size and scope of the country's TFWP by requiring employers to, on the one hand, provide extensive evidence of labour shortages and, on the other hand, ensure that positions for which permits are issued match job descriptions, adhere to prevailing provincial and territorial workplace laws, and make efforts to provide workplaces free of abuse. Simultaneously, it permitted the growth of the IMP, the TFWP's less scrutinised counterpart to which employers seeking to hire 'mobile' workers to fill higher-skilled positions resort as a means of obtaining flexibility (ESDC 2014).

Through an analysis of the nature and shape of underexplored IMP subprograms, this inquiry probes the extent to which such developments mark a genuine departure from temporary migrant work under exploitative conditions. Questioning the validity of the migration/mobility distinction assumed in the global policy discourse, I argue that far from providing for ideal conditions for 'mobile' workers, several of Canada's fastest growing IMP subprograms have the potential to foster exploitation. Meanwhile, many participants in such IMP subprograms (IMPs) migrate from source countries with a history of subordination through differential inclusion, illustrating how the application of migration control devices, not only across but within supposedly distinct domains, is bound up with residues of formal barriers to entry forged on the basis of nationality and the institutionalised racism that they engendered and threaten to perpetuate.

The ensuing discussion unfolds in four parts. Section one describes the TFWP and the IMP and charts contemporary patterns and trends in their size and composition, with particular attention to the source country composition of rapidly-expanding IMP subprograms and, where possible, gender composition. Against this backdrop, section two outlines a series of conditions shaping whether and, if so, to what degree, certain IMP subprograms are poised to contribute to exploitation. Examining subprograms behind the growth of the IMP, section three then explores the extent to which conditions fostering exploitation prevail under three fast-growing programs promoting 'national competitiveness' – Inter-Company Transfer (ICT), Postgraduation Employment, and Spousal subprograms. Based on the limited data available on temporary work permit holders,<sup>1</sup> it reveals links between the presence of conditions fostering exploitation and the high levels of participation among migrants from source countries subject historically to racialized barriers to entry erected via nationality or confronting legacies of colonialism. Troubling the less studied mobility side of this policy construction, the conclusion calls for context-sensitive approaches to identifying conditions contributing to exploitation attentive to the imprint left by explicitly racist immigration policies and de facto exclusions flowing from external colonialism on contemporary policy and practice.

## Organising concepts

The concepts 'differential inclusion' and 'migrantization,' together with the metaphor of 'doors of entry,' inform this analysis. I engage differential inclusion, as it is utilised in

feminist, anti-racist, and especially anti-racist feminist scholarship (e.g. Crenshaw 1991; Sharma 2006), to describe 'how inclusion in a sphere, society or realm,' in this case as it applies to migrants destined for employment in Canada under certain subprograms of the IMP, 'can involve various degrees of subordination, rule, discrimination, segmentation etc.' (Casas-Cortes et al., 2015, 156). To disclose differential inclusion, consistent with understandings of inclusion and exclusion as continuous rather than oppositional processes, I build upon Anderson's (2019, 8) attempt to de-migrantize migration studies by linking 'who sheds and who retains their migrancy' to racialized processes upholding nation states' legitimacy. But, while Anderson (2019, 8) connects migrants' experiences of differential inclusion to those of 'minority ethnic citizens' and focusses on processes 'migrantizing' the latter, my focus is how some subprograms of the IMP project the image of the *mobile* worker but reinforce the temporary *migration* status of (i.e. migrantize) participants, such that their conditions of work and residency closely resemble those of participants in the TFWP (hereafter TFWs). While intersecting axes of social difference, such as gender, affect TFWs profoundly in Canada's settler colonial context and are thus attended to here, I lend primary attention to the top source countries (i.e. countries of citizenship) for subprograms through which IMPs are migrantized. I do so to bring into view linkages between histories and ongoing dynamics of colonialism and/or processes of racialisation through nationality, and differentiation not only between TFWs and IMPs but among IMPs.<sup>2</sup> Indeed, I am concerned with whether the involvement of workers from source countries whose mobility has long been constrained in certain IMP subprograms is liberating or whether this 'inclusion' reproduces racialized patterns of exploitation (Latham et al. 2014).

Modes of entry represent a primary means through which differential inclusion, as well as migrantization, take shape. In exploring this process, the metaphor of entering the host state through different doors – front, side, and/or back – is apt. Historically, scholars have used the notion of 'front doors' to refer to 'official immigration policy predicated on prioritising "skilled" migrants channelled through a fortified regime' (Wright and Clibborn 2017, 166; see especially Zolberg 1989). With the expansion of different forms of temporary migration for employment to fulfil varying objectives, however, such scholars increasingly use 'front door' to refer to official channels of migration for employment that do not require a labour agreement before the host state grants visas to workers. In contrast, they define 'side door' entry as requiring such agreements, typically prerequisites for employers seeking to address relative labour shortages by recruiting migrants otherwise characterised as less 'economically desirable.' They also associate this form of entry with 'vexed and contingent pathways ... producing precarity ... and embedding low wages and conditions' (Howe, Charlesworth, and Brennan 2019, 216, 217) for migrant workers in occupations and sectors characterised by high rates of exploitation in which they are 'best wanted as unwanted' (Hage 2012, 121).

By this definition, all subprograms of Canada's TFWP involve 'side door entry' since a Labour Market Impact Assessment (LMIA) is required of all employers seeking to hire TFWs to address relative labour shortages whereas all subprograms of the IMP are presumed to be 'front door' given the absence of this requirement.<sup>3</sup> But closer analysis of the IMP reveals this division is not so clear cut. In applying the metaphor of doors, I thereby revise the criteria for 'side-door' adopted in much scholarly literature since 'side-door' entry to Canada may involve labour agreements yet their presence (or absence) is not

decisive. What is crucial is the presence of conditions attached to subprograms allowing for exploitation or unfair treatment aimed at generating disproportionate benefits from workers' labour power.

### **Canada's diverse temporary migrant work programs: on the limits of a mobility/ migration distinction**

Canada's approach to facilitating employment among international migrants on a temporary basis evolved considerably in the early 2000s. In the latter half of the twentieth century, bilateral arrangements and state brokerage dominated under Canada's TFWP. Contemporaneously, immigration and trade policy empower employers to draw increasingly upon international migrants under novel arrangements informed by 'free trade principles,' such as 'reciprocity' and 'competitiveness' (Pellerin 2008), signified by the 'birth' of the IMP. Yet key conditions shaping IMP subprograms, and developments in source country, defy a straightforward mobility/ migration divide. Evolving inter- and intra-stream divisions and complexities fostering differential inclusion, specifically the migrantization of the 'mobile,' thus merit scrutiny.

#### ***Administering the TFWP and the IMP***

Canada's TFWP took its current form in 2002–03 with the adoption of the *Immigration and Refugee Protection Act* (IRPA) (2002) and its regulations (IRPR). It enables host state employers to hire migrants on a temporary basis in positions that they demonstrate cannot be filled domestically. Prototypically 'side-door' subprograms of the TFWP operate on the basis of bilateral agreements negotiated with specific states and use a restrictive (i.e. often employer specific and time-limited) work permit and a LMIA overseen by Canada's national labour ministry (Employment and Social Development Canada or ESDC).

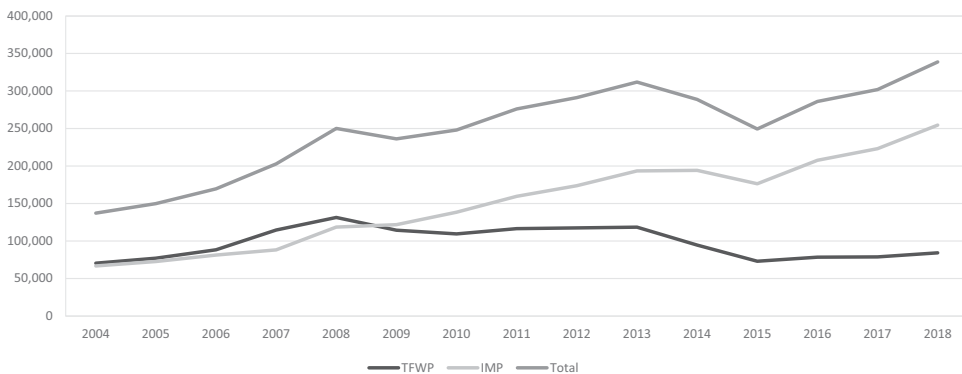
Distinct from the TFWP, Canada's IMP is designed to facilitate temporary employment of migrants under conditions established by international agreements or that promote national competitiveness and/or reciprocity; with approximately 90 subprograms, the IMP is said to target professionals and skilled workers, 'whose primary objective is to advance Canada's broad economic and cultural national interest' (ESDC 2014, 1). As Boyd, Taylor, and Delaney (1986, 931) show, many subprograms of the IMP, including precursors to IEC, were once distinguished only as subprograms of the TFWP exempt from labour market tests on account of their association with reciprocity. Other subprograms, originating more recently, such as those devoted to ICTs and associated with national competitiveness, emerged out of the implementation of agreements, such as the North American Free Trade Agreement of 1994, and expanded with the General Agreement on Trade in Services of 1995. In 2014, such LMIA-exempt categories, associated with permits of longer duration, were grouped together as a separate program stream – the IMP. Thus, in practice, the IMP represents a retroactive reclassification and consolidation of existing TFWP subprograms and a contemporary reinforcement of the mobility/migration divide.

### *The growth of temporary migration for employment to Canada: dynamics and trends in the TFWP vs. the IMP*

Consistent with trends in similar settler colonial high-income countries (see OECD 2019), Canada experienced considerable growth in temporary migration for employment from the early 2000s to the late 2010s. Taken together, as [Figure 1](#) shows, new permit holders under both the IMP and the TFWP grew from a total of 137,228 in 2004–338,750 in 2018. This growth was, however, driven by the expansion of the IMP, which began to outpace the TFWP in 2009. Thereafter, the IMP continued to expand while participation in the TFWP contracted and then plateaued. Consequently, by 2018 three times as many migrants held new work permits under the IMP than under the TFWP. Whereas Canada issued 66,757 new permits under the IMP in 2004, it issued fully 254,520 in 2018 ([Table 2](#)). Meanwhile, under the TFWP, it issued 70,471 and 84,230 in these years ([Table 1](#)).

On the surface, the constriction of side door programs, associated with the TFWP, and the concomitant rise of ostensibly front door programs, associated with the IMP, marked this period. Reflecting this observation, the notable drop in new TFWP work permit holders from 2013 to 2015 took place alongside the introduction of a series of regulatory and administrative changes designed to restrict employer access and to reduce exploitation in response to negative media reports and public outcry (Marsden, Tucker, and Vosko [forthcoming](#)). These changes included increases in application fees, restrictions on which employers can apply based on local employment conditions and occupation/sector (ESDC 2014) and the introduction of an inspection system to enforce workplace laws applicable to closed work-permit holders (Marsden, Tucker, and Vosko 2020). Yet the contraction of side door programs is questionable. So, too, is the degree to which the expansion of diverse IMP subprograms yields less exploitative terms and conditions of employment overall or genuinely limits employers' access to migrant workers where labour shortages reflect relative scarcities (Sassen 1981).

Considering the period between 2004 and 2018, as [Table 1](#) illustrates, overall new permits issued under the TFWP grew considerably from the early 2000s until 2013,



**Figure 1** . New Temporary Foreign Worker Program and International Mobility Program work permit holders (total unique persons) by sign year, 2004–2018. Sources: 2004–2007: CIC 2014, Tables 3.1 and 3.2, 32–33. 2008–2017: IRCC 2019d, Tables 3.1 and 3.2. 2018: IRCC 2019g.

declined between 2014 and 2015, and rebounded slowly from 2016 to 2018. In this period, the subprograms comprising the TFWP were reshaped. The Low-Skilled Pilot Programs for Agriculture and other workers with LMIA, constituting a quarter of new work permitholders in 2012, were eliminated shortly thereafter. The Caregiver subprogram, through which there was a pathway to permanent residency, was also terminated in 2019 as new applicants were directed to permanent resident streams (IRCC 2019c). At the same time, permits issued to Other High-skilled Workers with an LMIA declined; after peaking in 2013, so did permits issued to Other Low-skilled Workers with an LMIA (Auditor General 2017, 13). As these changes occurred, however, the number of new work permits issued under agricultural subprograms of the TFWP grew. Two and a half times more new permits were issued under their auspices in 2018 than in 2004. Consequently, almost two-thirds of new permit holders under the TFWP were in agriculture in 2018 (52,820 of 84,230). There were also significant reductions in the admission of TFWs destined for positions designated as 'high' and 'low' skilled outside agriculture, developments magnifying historical patterns of recruitment by source country such that by 2018 the three top sources countries of this stream were from Latin America and the Caribbean (Chartrand and Vosko 2020).

Alongside the contraction of the TFWP, Table 2, which considers broad IMP subprograms, suggests that the number of new work-permitholders under the IMP grew nearly every year from 2004 to 2018. There was some variation in the degree of growth, however. The number of new work permits issued to those migrating under trade-related IMP subprograms, many of whom migrate from states with longer-established trade agreements with Canada (i.e. former colonial powers such as the U.S.), remained steady whereas those issued under ICT, IEC, Postgraduation and Spousal subprograms grew. Notably, participants in three of the latter subprograms hold closed work permits. Meanwhile, although one-third of IMPs hold closed work permits and are subject to a limited protective regime, as open-work permit holders, two-thirds of IMPs are excluded from the new protective regime operating at the federal level. Fast-growing subprograms of the IMP thereby merit greater scrutiny to explore whether, and, if so, to what degree and in what ways, their associated conditions perpetuate differential inclusion and, particularly, whether they resemble those involving 'side-door' entry characterised by considerable potential for exploitation.

Three rapidly growing IMP subprograms also draw disproportionately on migrants from India and China. Considered cumulatively, from 2013 to 2018, 43% of new work permits under the ICT subprogram were issued to participants from India. In that period, India and China were also the sources for approximately 60% of new Postgraduation work permitholders, and the representation of new permitholders from these sources (as well as Brazil) in Spousal subprograms was significant (IRCC 2019a). Furthermore, in all three subprograms, the shares of new work permitholders from India and China rose consistently, notable given that participants from the U.S. dominate under the trade-oriented subprograms governed by provisions of NAFTA<sup>4</sup> and participants from France, Australia, Japan and Ireland dominate the reciprocity-oriented IEC.<sup>5</sup> This is not to suggest that citizens of India and China cannot enter through 'front doors'; indeed, starting in the early 2010s India and China were among the top three sources of permanent residents to Canada (IRCC 2019d). Nor is it to imply that they are necessarily in search of permanent residency or that migrantization cannot take

**Table 1.** New Temporary Work Permits under the Temporary Foreign Worker Program, by Subprogram, Annually, 2004–2018.

TFWP Subcategory	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Agricultural Workers	19,880	21,867	24,328	27,989	31,468	30,929	31,761	33,862	35,034	37,793	39,450	40,082	45,128	48,138	52,820
<i>SAWP</i>	19,052	20,281	21,253	22,581	24,189	23,393	23,914	24,500	25,414	27,515	29,795	30,740	34,135	35,175	35,870
<i>Agricultural Stream</i>	-	-	-	-	-	-	-	N.A.	N.A.	9,800	9,565	9,305	10,915	12,910	16,520
<i>Low-Skill Pilot Program for Agriculture</i>	430	877	2,231	3,170	4,513	4,844	5,161	6,209	6,632	7,099	-	-	-	-	-
<i>Other Agricultural Workers</i>	-	-	-	-	-	-	-	-	-	180	90	55	110	15	0
Caregivers	16,670	18,889	22,526	29,571	23,281	20,057	17,114	16,721	12,707	11,042	11,822	7,386	7,765	3,329	855
Other Workers with LMO/ LMIA	33,945	36,416	41,460	57,151	76,843	63,569	60,754	67,356	69,988	69,835	43,480	25,591	25,579	27,432	30,315
<i>Other high-skilled</i>	31,124	33,215	36,578	44,289	48,788	41,559	40,540	42,347	47,117	44,862	26,423	19,465	19,680	19,420	N.A.
<i>Other low-skilled (formerly Low Skill Pilot Program 2004–12)</i>	2,753	3,086	4,573	12,671	25,002	18,280	16,394	19,957	22,715	25,415	16,721	5,992	5,864	7,912	N.A.
<i>Other occupations (reported as Occupation Not Stated 2013–18)</i>	200	265	437	376	3,572	4,055	4,274	5,843	1,027	754	534	1,635	4,400	6,690	580
TFWP Total (unique persons)	70,471	77,136	88,287	114,626	131,414	114,387	109,506	116,452	117,521	118,442	94,619	73,016	78,397	78,767	84,230

Sources:

2004–2012 SAWP: CIC 2013, 66.

2004–2012 Low-Skill Pilot Program for Agriculture: ESDC 2014, Table 2, 3.

2013–2018 Agricultural Workers: IRCC 2019b and Vosko 2019, Table A.3.

2004–2007 (unless specified above): CIC 2014, Table 3.1, 32.

2008–2017 (unless specified above): IRCC 2019d, Table 3.1.

2018 (unless specified above): IRCC 2019g.

**Table 2.** New Temporary Work Permits under the International Mobility Program, by Selected Program Subcategory, Annually, 2004–2018.

IMP Subcategory	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
<b>Agreements</b>	17,502	14,553	16,863	18,984	21,938	22,225	27,340	31,689	33,439	35,250	32,431	30,742	29,247	26,624	27,165
NAFTA	11,570	12,087	13,547	14,583	16,178	15,642	17,947	18,822	20,153	19,872	19,283	17,950	16,578	16,187	15,255
<i>Canada-Provincial / Terr.</i>	-	-	-	-	-	1,581	6,859	10,374	10,992	12,629	10,391	10,561	10,618	8,735	9,820
<i>All Other Agreements*</i>	5,932	2,466	3,316	4,401	5,760	5,002	2,534	2,493	2,294	2,853	2,837	2,312	2,091	1,736	2,090
<b>Canadian Interests</b>	49,360	64,040	71,963	78,498	96,700	99,476	111,145	129,030	141,302	158,741	162,241	145,516	178,950	197,523	227,465
<i>All Other Canadian Interests**</i>	15,123	15,741	16,385	16,182	15,925	15,840	18,128	19,917	21,199	31,505	36,765	27,892	25,700	28,685	30,355
Significant Benefit															
<i>Intra-company transferees***</i>	4,437	4,828	6,161	6,736	7,644	7,244	9,681	12,480	13,172	13,674	12,563	11,568	12,437	12,993	14,490
Reciprocal Employment															
<i>International Experience</i>	21,311	27,788	30,255	31,691	40,473	45,008	49,083	54,253	58,034	55,119	51,109	47,901	52,603	62,502	62,390
<i>Canada</i>															
Competitiveness & Public Policy															
<i>Post-Grad Employment</i>	195	5,862	7,489	9,252	16,018	15,035	16,895	22,206	26,769	33,337	36,606	33,588	55,126	56,971	75,220
<i>Spouses of Skilled Workers</i>	6,186	7,349	9,140	11,883	13,986	13,300	14,179	16,811	18,886	21,890	20,835	18,695	23,415	25,255	29,085
<i>Spouses of Students</i>	2,303	2,472	2,533	2,754	2,654	3,049	3,179	3,363	3,242	4,270	5,505	6,375	10,395	11,525	15,925
<i>Other IMP work permit holders</i>	80	65	101	137	231	289	349	326	435	-	-	-	-	-	-
<b>Total IMP (unique persons)</b>	66,757	72,689	81,312	88,217	102,659	106,737	121,642	138,533	148,070	193,378	194,147	175,959	207,764	223,901	254,520

Sources:

2005–2012 Post-Grad Employment and Canadian Interests total: CIC 2015, Table 3.2, 23.

2004–2012 (unless specified above): CIC 2014, Table 3.2; 33–4.

2013–2017: IRCC 2019d; Table 3.2.

2018: IRCC 2019a.

\*Includes 'Other Free Trade Agreement (FTA), GATS Professional, Non-Trade and 'Other [Canada-International] Agreements.'

\*\*Includes 'Significant Benefit – General', 'Reciprocal employment - other', exchange professor, entrepreneur/self-employed; emergency repairs; charitable or religious work; research, educational or training programs; medical residents and fellows; and post-doctoral PhD fellows and award recipients.

\*\*\*Intra-company transferees: refers only to intra-company transferees under R205 Canadian Interests and not intra-company transferees recorded under R204 Agreements under various international trade agreements.

**Table 3.** Top Source Countries\* of Work Permitholders\*\* by Selected Program Subcategory by Sex,\*\*\* Annually, 2013–2018.

IMP Subprogram	Sex	2013		2014		2015		2016		2017		2018		
		Women	Men	Women	Men	Women	Men	Women	Men	Women	Men	Women	Men	
Intra-Company Transferees****	Top 3 Sources*	India	5,410		4,965		4,315		5,230		5,780		7,515	
			515	4,895	510	4,455	430	3,885	545	4,680	655	5,125	975	6,545
			(10%)	(90%)	(10%)	(90%)	(10%)	(90%)	(10%)	(89%)	(11%)	(89%)	(13%)	(87%)
		UK	1,350		1,210		1,195		1,260		1,180		1,045	
			180	1,175	150	1,060	150	1,045	190	1,070	160	1,020	170	875
			(13%)	(87%)	(12%)	(88%)	(13%)	(87%)	(15%)	(85%)	(14%)	(86%)	(16%)	(84%)
France	875		800		680		640		790		680			
	145	730	160	640	115	565	120	520	150	640	110	570		
	(17%)	(83%)	(20%)	(80%)	(17%)	(83%)	(19%)	(81%)	(19%)	(81%)	(16%)	(84%)		
SUBPROGRAM TOTAL**		13,655		12,585		11,470		12,330		12,865		14,460		
		1,690	11,870	1,550	10,940	1,385	10,005	1,580	10,655	1,695	11,070	2,215	12,155	
		(12%)	(87%)	(12%)	(87%)	(12%)	(87%)	(13%)	(86%)	(13%)	(86%)	(15%)	(84%)	
Post-Grad. Employment	Top 3 Sources*	India	9,740		10,950		9,000		16,540		18,795		33,320	
			2,765	6,975	3,060	7,890	2,500	6,500	5,080	11,465	6,400	12,390	12,245	21,075
			(28%)	(72%)	(28%)	(72%)	(28%)	(72%)	(31%)	(69%)	(34%)	(66%)	(37%)	(63%)
		China	9,175		10,305		9,955		14,430		13,900		14,495	
			5,185	3,990	5,630	4,670	5,460	4,495	8,070	6,360	7,695	6,205	8,145	6,350
			(57%)	(43%)	(55%)	(45%)	(55%)	(45%)	(56%)	(44%)	(55%)	(45%)	(56%)	(44%)
France	1,345		1,470		1,500		2,285		2,385		2,440			
	625	715	680	790	705	790	1,060	1,225	1,165	1,220	1,135	1,305		
	(46%)	(53%)	(46%)	(54%)	(47%)	(53%)	(46%)	(54%)	(49%)	(51%)	(47%)	(53%)		
SUBPROGRAM TOTAL**		33,265		36,715		33,490		54,860		56,195		74,910		
		14,215	18,935	15,555	21,080	14,330	19,075	23,990	30,770	24,945	31,095	33,020	41,760	
		(43%)	(57%)	(42%)	(57%)	(43%)	(57%)	(44%)	(56%)	(44%)	(55%)	(44%)	(56%)	
Spouses of Students	Top 3 Sources*	India	430		485		535		950		1,370		4,255	
			240	190	235	250	260	275	410	545	420	950	695	3,560
			(56%)	(44%)	(48%)	(52%)	(49%)	(51%)	(43%)	(57%)	(31%)	(69%)	(16%)	(84%)
		Brazil	145		410		1,030		1,935		2,375		2,585	
			80	70	210	205	480	550	930	1,005	1,175	1,200	1,235	1,350
			(53%)	(47%)	(50%)	(50%)	(47%)	(53%)	(47%)	(52%)	(49%)	(51%)	(48%)	(52%)
China	455		595		575		1,165		1,085		1,265			
	295	160	350	245	320	255	595	575	525	565	580	685		
	(65%)	(35%)	(59%)	(41%)	(56%)	(44%)	(51%)	(49%)	(48%)	(52%)	(46%)	(54%)		
SUBPROGRAM TOTAL**		4,270		5,505		6,375		10,385		11,520		15,890		
		2,450	1,660	2,945	2,400	3,200	3,055	5,120	5,145	5,370	6,005	6,175	9,615	
		(57%)	(39%)	(53%)	(44%)	(50%)	(48%)	(49%)	(50%)	(47%)	(52%)	(39%)	(61%)	

(Continued)

Table 3. Continued.

IMP Subprogram		2013		2014		2015		2016		2017		2018			
	Sex	Women	Men	Women	Men	Women	Men	Women	Men	Women	Men	Women	Men		
Spouses of Skilled Workers	Top 3 Sources*	India		3,680		3,585		3,240		4,715		7,415			
				3,205	475	3,075	510	2,730	510	3,770	945	4,195	1,275	5,355	2,060
				(87%)	(13%)	(86%)	(14%)	(84%)	(16%)	(80%)	(20%)	(77%)	(23%)	(72%)	(28%)
		France	1,665		1,925		1,970		2,055		2,275		2,620		
				1,180	485	1,300	625	1,325	640	1,395	660	1,585	690	1,810	815
			(71%)	(29%)	(68%)	(32%)	(67%)	(32%)	(68%)	(32%)	(70%)	(30%)	(69%)	(31%)	
		USA	2,120		1,880		1,700		1,770		1,650		1,590		
				1,745	375	1,565	315	1,365	330	1,385	380	1,305	340	1,240	350
				(82%)	(18%)	(83%)	(17%)	(80%)	(19%)	(78%)	(21%)	(79%)	(21%)	(78%)	(22%)
		SUBPROGRAM	21,890		20,835		18,695		23,415		25,250		29,020		
	TOTAL**	17,760	3,985	16,735	3,940	14,705	3,845	17,705	5,555	18,795	6,370	20,970	7,915		
		(81%)	(18%)	(80%)	(19%)	(79%)	(21%)	(76%)	(24%)	(74%)	(25%)	(72%)	(27%)		

\* Top 3 sources as calculated cumulatively for 2013–2018, based on IRCC data on country of citizenship.

\*\* The data disclosed by IRCC are rounded to 5 or 0 for privacy reasons and all figures under 5 are suppressed as indicated by a dash (–). Therefore, percentages and numeric subtotals reported for men and women may not equal totals reported by IRCC precisely.

\*\*\* While IRCC data use the terms female and male, women and men are used in this table for consistency with the terms used in the text. While only data on female and male gender are present in the table, IRCC also reports data for ‘Another Gender’ and ‘Gender Not Stated’. However, figures reported for these categories are either 0 or suppressed for privacy in each case, and hence not given in this table.

\*\*\*\* Intra-company transferees reported under the Canadian Interests subcategory of IMP (under R205 of IRPR), not including Intra-company transferees entering under an international agreement (under R204).

Source: IRCC 2020e.

place within other subprograms. The point, rather, is that *when* migrants from sources with histories of subordination through differential inclusion come in through supposedly ‘front’ but effectively ‘side’ doors, through what are supposedly mobility-oriented IMP subprograms, they may be particularly vulnerable to migrantization. This possibility is potentially amplified by the shifting gender composition of so-called primary permitholders (i.e. excluding spousal permitholders), specifically the rising proportions of women from India, China and Brazil compared to the more stable gender composition characterising contexts such as the UK and the United States charted in Table 3.

The context of the unequal exchange occurring between Canada and lead source countries for its temporary migrant work programs, both presently and historically, is a vital backdrop here. Contemporaneously, India, followed closely by China, has ‘the highest participation’ in global chains of labour and value, in which transnational corporations ‘take advantage of differential unit [labour] costs,’ often evinced through immigration systems of major host countries (Suwandi 2019, 5). As recent analyses show (Lo, Li, and Yu 2017; Chartrand and Vosko 2020), India and China, already top sources for permanent and temporary migration, are becoming increasingly central to Canadian policy aimed at maintaining Canada as a competitive destination for migrant labour. But while analyses of the long-term trajectories of Indian and Chinese immigrants in Canada show that these two groups are large and ‘better off than those from other countries,’ they still confront underemployment and ‘brain waste’ (Lo, Li, and Yu 2017, 328–9). As Castles (2004, 223–4) notes, echoing Hage (2012), those ‘policies that claim to exclude [or, for that matter, provisionally include] ... workers may often really be about allowing them in through side doors and back doors, so that they can be more readily exploited.’

Processes of migrantization giving shape to different doors of entry are, of course, deeply-rooted historically. Indeed, Canada adopted explicitly racist immigration policies restricting Chinese immigrants from settling permanently in the country as early the mid-1880s. In an era in which it otherwise took a *laissez-faire* approach to immigration policy, the *Chinese Immigration Act (1885)* restricted and regulated Chinese immigration by, among other measures, instituting a head tax, which effectively denied entry to many and subjected others to relations of indebtedness with employers. As Cho (2002, 3) suggests, ‘the problem ... was not finding cheap labour but doing so without appearing to do so.’ In this sense, the early treatment of Chinese immigrants coming to Canada to engage, paradoxically, in projects in the national interest represented an effort to balance public anxiety, especially the expression of xenophobic sentiments, with employers’ demand for cheap labour – a tension that continues to shape the parameters of contemporary IMP subprograms for which China serves as a leading source. Distinctively, yet working towards similar ends, the early treatment of Indian immigrants to Canada illustrates how racialized processes of migrantization often come hand-in-hand with ‘post-colonial’ state sovereignty. As Mongia (1999) shows, early requirements for passports effectively authorised racialized difference on the basis of nation. In this era, from an immigration policy standpoint, nationals of India were transformed from British subjects into Indian immigrants (Mongia 1999). This sleight-of-hand enabled Canada to limit the number of immigrants from India without ‘drafting restrictive immigration legislation specifically targeted towards Indians since this would have exposed, in an indubitable way, that notwithstanding citizenship of Empire, different ‘British subjects’ were endowed with differential access to mobility’ (Mongia 1999, 536).

Setting the stage for different ‘nationalities’ to have differential access to ‘mobility,’ common to the historical cases of Chinese and Indian immigration was the desire, on the part of the Government of Canada, to give the appearance of equal treatment to immigrants from different sources while allowing differential inclusion to infuse this supposed equivalence. Against this backdrop, drawing on the limited information available, the ensuing section probes conditions confronting ‘mobile’ workers enrolled in subprograms driving the growth of the IMP alongside sketching patterns in lead sources for these subprograms to begin to discern processes of migrantization at work on the ‘mobility’ side of the fraught mobile/migrant worker distinction.

### Differential inclusion and the IMP: key conditions of subprograms identified with mobility

One way to establish whether or not and, if so, how and to what degree, the IMP contributes to differential inclusion, effectively blurring the mobility/migration divide, is to identify and analyze central conditions attached to its subprograms and their apparent and potential effects. Only through this undertaking is it possible to discern how IMP subprograms assumed to involve ‘front door entry’ can foster precariousness in employment and immigration status replicating conditions akin to programs associated with ‘side door’ entry. Four conditions shape the degree of inclusion of IMPs: whether or not subprograms provide for closed (or highly conditioned) or open work permits; spousal accompaniment and, if so, on what bases; work permits whose duration is fixed or flexible and/or renewable; and, direct (i.e. barrier free) pathways to permanency.

Regarding the provision of *closed (or highly conditioned) vs. open work permits*, a large body of scholarship shows that closed or employer-tied work permits can heighten temporary migrant workers’ precarious residency status as well as preexisting power imbalances inherent in the employment relationship as they profoundly limit workers’ mobility by design. In 2017, fully 33% of IMPs held closed (i.e. employer-specific) work permits (Canada Gazette 2018, 152). This subgroup falls within some large subprograms such as IEC, NAFTA, Provincial Agreements, and ICTs (Canada 2018; see Figure 2 and Table 2). A further segment of IMPs also have restrictions on their employer, type of work or occupation, location of work, and times and periods of employment even though most IMPs in subprograms carrying these restrictions hold ‘open’ work permits permitting changes in employer or type of work and granting greater access to longer permits and, in some cases, permanent residency.

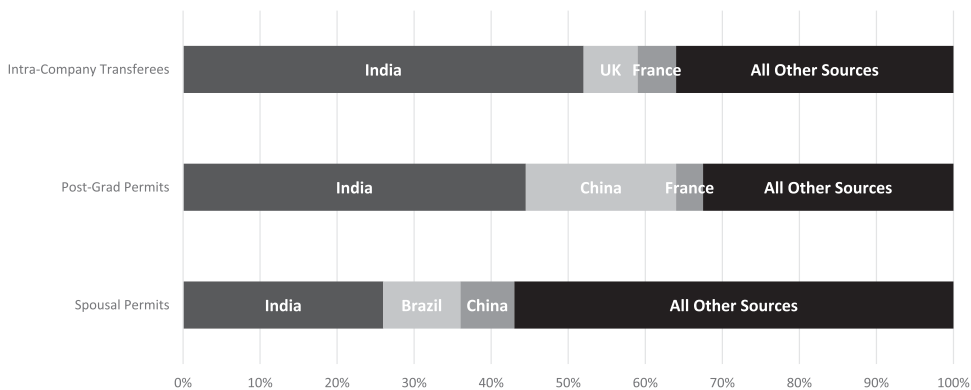
Arguably, the proportion of IMPs subject to some form of work permit restriction is substantial. Yet it still bears mention that, even where formal restrictions on the ability to move freely in Canada’s labour market are absent, little is known about the degree to which open work permit holders have practical access to workplace rights and protections and genuine mobility. This dearth of knowledge is aggravated by the exclusion of open work permit holders within the scope of the inspection regime introduced in 2015. The scant information available nevertheless suggests that open work permit holders are over-represented in certain sectors, which include not only professional, scientific and technical services but also food and accommodation services, two industries characterised by multiple dimensions of insecurity,<sup>6</sup> suggesting that certain IMPs may be compelled to accept jobs deemed low-skilled upon entry to Canada and furthermore that this very

group of open work permitholders have a lower rate of transition to permanent residency than closed work permitholders in the same jobs (Lu and Hou 2019a, 5).<sup>7</sup>

A second condition under consideration is the *duration of the permit*. This condition reflects the value that the host state, influenced by employers, places on the labour of workers participating in a given subprogram. The duration of the permit signals whether or not these participants’ return to the source country (episodically or long term) is deemed to be desirable. For example, agricultural migrant workers – largely from Latin American and the Caribbean – in the SAWP may only be issued short work permits, a rule emanating from the aim of addressing ongoing labour scarcity on a rotational basis. Participants in IEC are issued one-year work permits with the possibility of renewal. By contrast, broadly speaking, ICTs, who fall under the umbrella categories of both ‘Trade Agreements’ and ‘Canadian Interests-Significant Benefit,’ and are defined as ‘qualified employee[s] ... transferred within a company to work in Canada on a temporary basis,’ may reside in Canada for up to seven years total without the requirement that they return to their country of origin.

A third condition is the absence of straightforward *pathways to permanent residency*. Those with direct pathways to permanency are no doubt less vulnerable to exploitation in the long run than those devoid of them altogether because they are less likely to be trapped in jobs indefinitely (on the case of TFWP subprograms in agriculture, see Vosko 2019). Still, studies, especially those documenting the experience of live-in caregivers, show that access to (restricted) pathways to permanency often come at significant price; that is, such transitions can perpetuate occupational deskilling and degradation of other sorts as well as translate into precariousness along other dimensions and involve family separation (Banerjee et al. 2018). Although studies show that rates of transition to permanent residency are increasing (Lu and Hou 2017), the degree to which transition periods allow for labour market mobility, and how they impact security over the long-term, thus merit consideration.

The fourth condition of relevance – *spousal/family accompaniment* – is of a different order than the other three. Whether or not subprograms provide for spouses and dependents to migrate and have access to the labour market is no doubt an indicator of IMP permitholders’ (in)security as well as their prospects for permanency. The possibility of



**Figure 2.** Top 3 Sources of Selected Subprograms of the International Mobility Program, Percentages of New Temporary Work Permits in 2018. Source: IRCC 2019a.

accompaniment reflects these IMPs' potential for inclusion in a fuller sense. In shaping degrees of inclusion, this condition is especially significant in the Canadian case given the longstanding and deeply racialized policy practice of circumventing family reunification for certain groups of migrants in the interest of 'national' economic and even imperial objectives (e.g. caregivers, agricultural workers, etc.) (Rajkumar et al. 2012, 487). Furthermore, when there is provision for spousal accompaniment, whether or not spouses of IMPs are issued open or closed permits (as well as the duration of these permits) also matters; notably, in Canada, historically such decisions have also been tied to the presumed skill level of the migrant worker to which the spouse is attached (Rajkumar et al. 2012, 502–503). Despite the importance of provision for family reunification or its absence in shaping degrees of inclusion among IMPs, spouses are arguably labour migrants and should be treated as such at a policy level. In 2018 alone, 18% of new work permits were issued to participants in subprograms for Spouses of Full-time Students and Skilled Workers (Table 2). The ensuing discussion thereby probes spousal subprograms under the IMP in their own right.

### **Considering fast-growing IMP subprograms: ICTs, postgraduation work permitholders, and spouses of students and 'skilled' workers**

Assessing the degree to which the foregoing conditions apply to workers migrating under different subprograms of the IMP is crucial to establishing the degree to which processes of migrantization are at work among so-called 'mobile' workers and their effects. To further explore how processes of differential inclusion take shape within the IMP, the discussion now turns to examine three of its fastest-growing subprograms promoting 'national competitiveness' – ICT, Postgraduation, and Spousal subprograms – to begin to assess whether, despite the absence of an LMIA, their associated conditions allow for levels of exploitation and constraint typical of the TFWP. Consideration of source country dynamics also begins to reveal how mechanisms of migration control applicable to the IMP relate to colonial legacies and institutionalised racism.

#### ***Intercompany transferees***

A category appearing as early as the 1988 Canada–US Free Trade Agreement, defined broadly, ICTs are employees, fulfilling specified qualifications, transferred inside companies to Canada to work on temporary bases (Tucker 2017, 2). ICTs are exempt from LMIA's either on the basis of international trade agreements or on the assumption that they will advance 'Canadian interests,' taken to mean improving the country's competitiveness in a global economy. Consequently, ICTs are grouped within two broad areas of the IMP: trade agreements and Canadian Interests, falling under the 'Significant Benefits' sub-area of the latter.

Under trade agreements, employees defined as ICTs must be employed by a firm based in a state party to a trade agreement normally in a managerial or executive capacity or in a capacity in which they exercise specialised knowledge. They must also be transferred to a closely related Canadian-based entity – i.e. either the enterprise, parent, branch, subsidiary, or affiliate – of the firm in which they normally work and required to undertake work of the same nature as they perform elsewhere (IRCC 2019e, s.1.8, see also s.4). Trade

agreements negotiated by Canada more recently, such as the Canada-Europe as well as the Canada-Peru and Canada-Korea trade agreements, also provide temporary migration opportunities to *management trainees and graduate trainees* for the purposes of in-house training (IRCC 2014). Typically, ICTs must be citizens of the trade partner, must be transferred within an enterprise in which they are already employed, and must have had continuous employment with that entity for a specified period. But while in all cases ICTs must have been engaged for a significant period of time in the firm in a given trade partner's labour market, the length of time varies by trade agreement – for example, it is six-months under the Canada-Peru agreement and one-year under NAFTA.

ICTs falling under the 'Significant Benefits' sub-area of the Canadian Interests grouping cover those coming under GATS as well as any foreign national from a country not covered by the other trade agreements. The rationale for this grouping of ICTs emphasizes allowing 'international companies to temporarily transfer qualified employees to Canada for the purpose of improving management effectiveness, expanding Canadian exports, and enhancing competitiveness in overseas markets' (IRCC 2018). Otherwise, the parameters for entry and the types of positions these ICTs must hold are similar.

As far as the conditions to which they are subject, although they are exempt from the LMIA process, as employees of enterprises, parents, branches, subsidiaries, or affiliates of firms based in a state party to a trade agreement, ICTs, a majority of whom are men, solely have access to closed work permits. Permits are typically issued for three years with the possibility of extensions of two years to a maximum of seven years for managers and executives and five years for specialised knowledge workers. For trainees, however, the maximum period of stay is three years so long as the conditions upon which their admission was based initially remain in effect (IRCC 2014). Under the Significant Benefit grouping, as well as many trade agreements, there are no general provisions for spousal accompaniment. Generally, with the exception of those tied to ICTs coming under the Canada-Peru, Canada-Columbia or Canada-Korea trade agreements, spouses seeking to accompany ICTs must seek entry under the spouses of skilled worker stream, which provides for open work permits.

Even though ICTs are deemed to be 'skilled workers,' and male permitholders dominate (Table 3), although somewhat less so from China (where over a quarter of ICT permitholders are female (IRCC 2020e), arguably their closed work permits, in confining them to a specific workplace, make them vulnerable to exploitation. That their employment relationships lie outside Canada also makes ICTs 'captive' in other ways; not only are ICTs beholden to the enterprise, parent, branch, subsidiary, or affiliate at which they work in Canada, they are also bound to the entity with which they are associated in the sending state. Furthermore, as Tucker (2017) shows in his exposé, focussing the case of employees of CS Wind Vietnam transferred as ICTs to (Ontario) Canada, ICTs lack access to fundamental workplace protections, including the social minima provided for under employment standards legislation, as well as to collective bargaining. As with workers migrating under the TFWP, such as SAWP employees (Vosko 2019), employers may opt to engage them to avoid unionisation of their local workforces. More broadly, as Tucker (2017) also suggests, as a category, the ICT designation reflects larger processes identified with fissuring (Weil 2014) – a corporate strategy through which formally integrated employing entities make greater use of

subcontracting, franchising, supply chains, temporary help agencies, and other mechanisms, contributing to precarious employment in many industries. In this case, fissuring, between potentially parent companies and subsidiaries, at the same time as segmentation among workers holding different immigration statuses in a single workplace, are foremost. Additionally, despite holding open work permits, the quality of the jobs held by spouses accompanying ICTs is seemingly questionable. Indeed, a growing body of research suggests that sectors in which open work permitholders are overrepresented include industries such as food and accommodation services, characterised by low-wages, limited control over the labour process, and lack of enforcement of basic employment standards; research in this area also documents lower rates and/or longer period of transition to permanent residency among open as opposed to closed work permitholders in low-skilled jobs (Lu and Hou 2019a, 5).

The foregoing conditions are likewise suggestive of the migrantization of ICTs (and their spouses, see also below). Here, India's significance as a source country for ICTs arriving under the Significant Benefit grouping of the IMP is noteworthy – in 2018, India was the source of fully 52% of the total population of ICTs in this grouping followed by the UK and France which held shares of 7% and 5% respectively (Figure 2). India's rise as a source country for this IMP subprogram, tied theoretically to mobility but failing to approximate this ideal in practice, reflects differential inclusion at work. Its growing representation as a source for the ICT category, aimed at facilitating the temporary migration of 'economically beneficial' workers, might be understood as a step away from the discriminatory treatment of Indian immigrants, under the pretense of universality, that emerged in the early twentieth century (Mongia 1999). Yet evidence shows that many immigrants from India who attain permanent residency and are classified as 'high-skilled' are often 'unemployed or underemployed' (Lo, Li, and Yu 2017, 328), suggesting that conditions attached to the ICT category create a high potential for exploitation and illustrate how inclusion can entail gradations of subordination, discrimination, and segmentation (Casas-Cortes et al. 2015, 156). Given that the global economy in which Indian-born workers are engaged remains unevenly favourable to countries such as Canada (Suwandi 2019), greater attention to probing whether or not ICTs, especially those from India, retain their 'migrancy,' vis-à-vis other high skilled migrant workers, is therefore needed.

### **Postgraduation work permitholders**

Postgraduation work permitholders are students who have graduated from eligible Canadian learning institutions and have secured work permits to gain Canadian work experience. To obtain a postgraduation work permit, an individual must hold valid temporary immigration status or have left Canada and must submit evidence that they have completed an academic, vocational or professional training program at an eligible Canadian institution that is at least eight months in duration, maintained full-time student status in each academic session of the aforementioned program(s) of study, and have met all degree/program requirements (IRCC 2020a). These former international students hold open work permits that allow them to remain in Canada for a period of eight months to three years after graduation, depending on the duration of the applicant's former educational program (e.g. international students who have completed a program lasting two

years or more can receive a three year work permit) (IRCC 2020b). Spouses may also accompany Postgraduation permitholders with permits of at least six months working in a skilled job or what are known as National Occupational Categories (NOCs) A, B, or O, encompassing professionals, technical/skilled trades and management (IRCC 2019f); in such cases, they are issued open work permits. Yet reports finding that postgraduate permitholders are under-employed suggest that family reunification may be inhibited. Notably, there is also no designated pathway to permanency for postgraduation work permitholders. However, they can apply through the Canadian Experience Class (Express Entry) subprogram of Canada's immigration program if they accrue sufficient 'qualifying employment.' Specifically, these IMPs must complete twelve months of full-time employment (i.e. 1,560 h) in a skilled job, that is, in an occupation falling under NOC A, B, or O (IRCC 2020c; IRCC 2020d). But while postgraduates of this group of IMPs are no doubt well-educated, there is growing evidence that pathways to permanency are complex. Indeed, one analysis suggests that, as the numbers of international students grow, the rate of transition from educational migrants to permanent residents is seemingly decreasing (Lu and Hou 2019b). These authors find that those who first obtained permits between 1990 and 1994 are more likely than later cohorts who received their first study permits between 1995 and 2009 to receive permanent residency. Transition rates also differ by source country and have shifted in recent years. Comparing cohorts from the 1990s to cohorts from the early 2000s, fewer international students from South Korea and China are becoming landed immigrants. While Lu and Hou (2019b) posit that this change is linked to improving economic opportunities in top source countries, greater analysis of the outcomes of educational migration is necessary.

One of the rationales for studying these outcomes more fully flows from public reports on not only the types of jobs obtained by but the earnings of postgraduation permitholders. In 2016, based on an internal report from Citizenship and Immigration Canada (CIC), referencing the shift in 2008 to allow international students to work outside their chosen fields, the *Globe and Mail* reported that the 'postgraduation work permit program was creating a poorly paid, underemployed workforce among recent international student graduates at colleges and universities' (Chiose 2016a). Specifically, it found that 'the majority of those employed through this program are in low-skilled jobs in the service sector and have median earnings that are less than half of other recent university and college graduates' – a finding at odds with the fact that these same students 'pay tuition fees three to five times higher than domestic students' (Chiose 2016b).<sup>8</sup> Furthermore, Lu and Hou (2019b) reveal large earnings gaps among former international students gaining permanent residency based on source country/region. They show that, compared to those from the United States, male former international students from South Korea, China, 'other' Asian countries, and Africa earn significantly less both in the short and long terms. Among female former international students, the disadvantages are sustained mainly by those from South Korea, Japan, and 'other' Asian countries in the first two years after landing (Lu and Hou 2019b, 240). Together with limited duration work permits, such conditions indicate that for a considerable percentage of participants, the Postgraduation subprogram of the IMP involve concerning conditions. Furthermore, these findings are suggestive of dynamics of migrantization observable among ICTs – and they may even be more extreme given especially that, as of 2018, not only was India the top source country of postgraduation work permitholders

(i.e. approximately 44%), having experienced a fourfold increase over a five-year period, but China (nearly 20%) was second to the top (Figure 2; IRCC 2019a). Cast in this light, it is also noteworthy that near gender parity came to characterise Postgraduation permit-holding in the 2013–2018 period and that, where China was a source country, the sub-program was gendered female (Table 3).

### *Spouses of skilled workers and students*

Falling in the Canadian Interests ‘Public Policy, Competitiveness & Economy’ sub-area, IMPs in Spouses of Skilled Workers and Students subprograms are either married or common law partners (living in a conjugal relationship for at least one year), including opposite and same sex relationships, of IMPs that are students or fall within a skilled worker subprogram. *Spouses of Students* fall within this category because their spouse is enrolled full-time in an eligible university, college, trade school, CEGEP etc. To qualify for an LMIA exemption, *Spouses of Skilled Workers*, in turn, must provide evidence that their spouse is in a skilled occupation, that is, an IMP whose main job falls within NOCs A, B, or O (IRCC 2019f). Their spouse must also hold a permit valid for at least six-months and reside in Canada. Once these criteria are fulfilled, Spouses of Students and of Skilled Workers receive open work permits whose duration (or validity dates) coincide with the length of the study visa of their spouse or the spouse’s work permit respectively. As far as independent pathways to permanency are concerned, if Spouses of Students or Skilled Workers, as open work permit-holders, meet the necessary requirements,<sup>9</sup> they may apply independently for permanent residency through the Canadian Experience Class and ultimately even sponsor their student spouse (IRCC 2019f). Alternatively, if their student or skilled worker spouse gains permanent residency through this or another route, s/he too could ultimately serve as a sponsor.

Even though they are open, the provision of work permits tied to the educational or occupational status of their spouses, the relatively restrictive independent pathways to permanency requiring the fulfillment of criteria noted above, and the presumably geographically-limited labour markets in which Spouses of Students and Skilled Workers can work highlight their vulnerability to precarious conditions of employment, such as relatively low wages, a lack of control over the labour process, and limited access to regulatory protection. For example, in order to qualify for permanent residency these IMPs may be compelled to work excessive hours if they aim to pursue independent pathways. Like ICTs, they may also be hesitant to complain when faced with workplace-rights violations for fear of employer reprisal. And, if they are located in a small local labour market, they may have limited mobility in practice, effectively confining them to particular sectors or employers. More broadly, although spouses have relatively high transition rates to permanent residency in comparison to other IMP subgroups (Lu and Hou 2017), those who are tied to a principal applicant, disproportionately women, tend to experience long-term disadvantages in employment. Indeed, as studies show, dependent applicant status has a negative impact on earning potential, regardless of their professional background (Banerjee and Phan 2015; Elrick and Lightman 2016).

As with the case of ICTs, the positions of India (26%),<sup>10</sup> Brazil (10%), and China (7%) as the top three source countries for Spousal IMPs, collectively constituting fully 43% of new work permits issued under this category in 2018, are likewise suggestive of processes

of migrantization (Figuer 2). Workers and students migrating from these source countries have historically faced major barriers when it comes to family accompaniment. At the same time, careful analysis of the effects of an ostensibly more inclusionary approach is needed since racialized differentiation can occur not just through exclusion but through inclusion. Although more spouses are migrating with partners from source countries historically constrained in terms of family accompaniment to Canada (Knowles 1997, 487; Mongia 1999, 547; on spousal access to work historically, see also Rajkumar et al. 2012), there needs to be greater scrutiny of the sorts of jobs these family members are obtaining, given especially racialized and indeed gendered (i.e. spouses of IMPs are predominantly women<sup>11</sup>) precariousness characterising the contemporary Canadian labour market. As well, it is imperative to understand the policy motivations behind their inclusion (humanitarian, economic etc.), specifically, the degree to which spousal inclusion is motivated by employer demands, the nature of such demands, and the potential effects of taking heed of them. Also concerning, in this instance, are the local, regional, and national labour markets segmented by race and gender that spouses likely confront upon migrating to Canada. Compelled to gain employment quickly upon entry since they and their partners hold visas of limited duration, and, paradoxically, in a position to do so as they hold open work permits, spouses are often poised to accept whatever jobs are on offer. Their vulnerability, moreover, is likely exacerbated by the common demand of Canadian employers for specifically ‘Canadian experience,’ as well as, in some cases (i.e. among certain professionals), requirements to obtain Canadian credentials in order to obtain jobs in their fields, calling their ‘mobile’ status into question and raising obstacles to their potential to transition to permanency on independent bases.

## Conclusion

The foregoing exploration of the dynamics of change and continuity in Canada’s two immigration streams dedicated to facilitating the employment of international migrants on a temporary basis confounds assumptions of a straightforward mobile/migrant worker divide. In attempt to ease public anxiety about TFWs, as well as to limit exploitation among this group, beginning in 2014 the federal government introduced stricter regulations limiting the TFWP and expanding certain IMP subprograms. Yet this apparent contraction of ‘economically necessary,’ and concomitant expansion of ‘economically desirable,’ migration for employment is complex. Longstanding subprograms of the TFWP, with the exception of agricultural variants, have contracted and key subprograms of the IMP have grown. Yet those IMP subprograms growing the most are not new – rather, many such subprograms were subject to a retroactive reclassification and unification of existing LMIA-exempt categories. Nor are they necessarily ‘desirable’ for the workers concerned, considering their associated conditions of residency and terms and conditions of employment.

Qualitatively, the foregoing framework adopted to explore conditions shaping the degree to which IMP subprograms have the potential to foster exploitation – the nature and duration of the work permit, the presence or absence of pathways to permanency, and, where appropriate, the permissibility of spousal accompaniment – reveals ways in which the growing yet underexplored ICT, Postgraduation, and Spousal IMP subprograms can lay the basis for exploitation. Resembling employer-tied work

permits under TFWP subprograms, workplace-tied closed work permits held by ICTs can effectively create captive workers with limited voice to challenge excessive hours, relatively low wages (i.e. vis-a-vis their counterparts in Canada) and other workplace conditions that are unfair – the few existing case studies of ICTs available give credence to this claim (e.g. Tucker 2017). Similarly, although postgraduates and spouses of students hold open work permits, since their duration is strictly defined and their prospects for renewal are limited, these IMPs may be compelled to accept poor quality jobs. To make matters worse, postgraduates and spouses of students in this position lack clear pathways to permanent residency independently if the jobs they secure do not fall within a narrow set of occupational categories (i.e. within professional, technical/skilled trades, and management occupations). Not surprisingly, therefore, the limited information available on the transition rates of IMPs, such as postgraduates, impeded from access to permanency on account partly of the nature of jobs on offer, do not point to smooth transitions into permanency otherwise presumed to be the norm for the ostensibly ‘mobile’. Exacerbating this situation, as postgraduates and spouses of students are LMIA-exempt, they also fall within the approximately two-thirds of IMPs who are not covered by the protective regime introduced in 2015 even though they may be among those most in need of protection.

These findings alone call for further investigations adopting context-sensitive approaches to identifying conditions opening space for exploitation. Yet context-sensitive approaches must also be attentive to the imprint left by subordination through differential inclusion, flowing from racist immigration policy and/or external colonialism, on contemporary immigration policy. Here, it bears emphasis that large numbers of participants in Canada’s fast-growing IMP subprograms with the potential to foster exploitation migrate from China and India – two source countries whose emigrants have faced subordination through differential inclusion perpetuating migrantization historically. To guard against heightening forms of exploitation in these ‘mobility’ programs, as well as reproducing racialized forms of differential inclusion, it is thereby critical to further scrutinise how migration control devices applied within domains identified with mobility may be bound up with residues of formal barriers to entry motivated by racism and with legacies of colonialism.

## Notes

1. Temporary work permit holders have distinct characteristics that make their conditions of work and residency more difficult to study by drawing on sources and tools used typically to study immigrants on pathways to permanency. This analysis thereby draws on unpublished administrative data from Immigration Refugees and Citizenship Canada (IRCC), as IRCC data offer the most precise and current breakdowns of the subgroups of IMP work permit holders by citizenship, gender etc.
2. In elevating source country, I do not aim to falsely separate nationality from other axes of social difference, nor to subordinate one axis to another, but rather to further analyses of source towards deeper investigation of the intersecting axes of differentiation shaping processes of migrantization.
3. The exception is perhaps the rapidly-expanding International Experience Canada (IEC), which represents a “back-door” entry subprogram for working holiday makers, young professionals, and international co-op students. According to Howe, Charlesworth, and Brennan (2019, 271), working holiday makers (like students) enter on permits or visas

‘ostensibly for a non-work purpose,’ and ‘although these visas allow for the performance of work, they are not created for that purpose and sit outside [the host and sending] country’s formal labour migration program.’ For this reason, and given the emphasis on subprograms oriented to national competitiveness, IEC is not a focus here.

4. Considered cumulatively, in the 2013–2018 period Americans constituted fully 96% of those participating under the NAFTA grouping whereas Mexicans constituted just 4% (IRCC 2019a).
5. Considered cumulatively, in the 2013–2018 period nationals of France, Australia, Japan, and Ireland constituted 23%, 15%, 10.5% and 9% of IEC respectively (IRCC 2019a).
6. According to Statistics Canada, ‘open work permit holders accounted for 3.4% of the total T4 earners and 2.6% of total T4 earnings in accommodation and food services in 2016,’ percentages disproportionate to their numbers in the labour force (Lu and Hou 2019a, 4).
7. Consistent with this finding, according to one 2019 study, comparing cohorts in 2006 and 2011, the time it takes to transition to permanent residency among open work permit holders is getting longer whereas transitions to permanent residency among low-skilled closed work permit holders are becoming both more common and shorter (Lu and Hou 2019a).
8. Accompanying this finding, the same article noted that, “PGWPs had median earnings of \$19,291 in 2010 compared with about \$41,600 for 2013 domestic college graduates and \$53,000 for Canadian university grads.”
9. That is, meet required language levels and have at least one-year of full-time or the equivalent of part-time work experience in the last three years (1,560 h) in skilled jobs (i.e., managerial, professional or technical/skilled trades or NOC A, O and B), excluding self-employment and work experience gained as a full-time student (e.g. a co-op work term) (IRCC 2020d).
10. In the case of Spouses of Students, this finding is perhaps predictable since India is the fastest growing source of International students, and by far the predominant source country for college programs.
11. Illustrating the complexity of this gendered precariousness, in the 2010s, the gender composition of spouses of students shifted (e.g., whereas women represented 57% of spouses of students in 2013, they represented 46% in 2019). Given the predominance of women in the larger Spouses of Skilled Workers subcategory, women still held the majority (an average of 65%) of spousal permits between 2013–2019 (IRCC 2020e).

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